

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:06CR210-MEF
)	
MELISSA WARD)	

DEFENDANT WARD'S MOTION TO CONTINUE SENTENCING
AND TO OBJECT TO PRESENTENCE REPORT

Defendant Ward, through counsel, moves this Honorable Court to continue the sentencing in this matter, and as grounds for this Motion says:

1. Counsel for the Defendant is scheduled for a three-week trial before the Honorable Jacob Walker, Lee County Circuit Court, in Case No. CV-02-85, *Davis v. Hanson*, commencing on January 29, 2007. Despite efforts to settle, this very complex litigation involving a quarry causing damages to the roads in Lee County, Alabama, will not settle and will definitely go to trial on January 29, 2007. It is scheduled for three weeks, and is not expected to conclude before February 16, 2007.

2. This Court scheduled the sentencing in this matter for February 15, 2007. Obviously, counsel cannot appear at that time.

3. Counsel for Defendant and Defendant have met on several occasions regarding her rather unusual situation. It would be most unfair to the Defendant to not have the undersigned counsel represent her during the sentencing of this matter due to the nature of the expected testimony to be offered by the Defendant at sentencing. Accordingly, because of counsel's conflict, counsel requests that this Court continue the sentencing for approximately two weeks. Counsel has no conflicts in the several weeks

after February 15, and does not have another conflict of significance until the first week in May, when, again, the same case (different parties through bifurcation) will be trying the case for two or three weeks again.

4. In addition, counsel moves this Honorable Court to continue the date for meeting with the probation officer and for submitting objections to the presentence report. The presentence report was sent to the undersigned on or about January 17, and was not received by the undersigned until approximately January 19. The undersigned did not see the document until Monday, January 22, and even at that time, counsel was preparing for the Lee County trial. Counsel has had no opportunity at all to meet with Defendant regarding this presentence report. In point of fact, depositions in the Lee County case matter were being taken all of this week, and counsel has been busy filing numerous motions and responses to motions in that case. Even after receiving the presentence report, counsel has been meeting with witnesses and otherwise preparing for this Lee County trial and has not been able to meet with Defendant. Counsel has sent a copy of the presentence report to the Defendant, but as stated, has not had an opportunity to talk with her about it.

WHEREFORE, counsel moves this Honorable Court to continue the sentencing of this matter from February 15, 2007, because of counsel's inability to attend (as counsel will be in trial in Lee County), and further moves this Honorable Court to continue the date for objecting to the presentence report and for having a conference with the probation officer regarding this matter.

_____ Respectfully submitted this the 24th day of January, 2007.

s/ C. E. Vercelli, Jr.

CHARLES E. VERCELLI, JR. (VER003)

OF COUNSEL:

VERCELLI & ASSOCIATES, P.C.

1019 S. Perry Street

Montgomery, AL 36104-5049

TEL: 334-834-8805

FAX: 334-834-8807

cvercelli@vercelli-law.com

CERTIFICATE OF SERVICE

I hereby certify that on January 24th, 2007, I electronically filed the foregoing with the Clerk of the United States District Court for the Middle District of Alabama, using the CM/ECF system, which will send notification of such filing to the United States Attorney and to all counsel of record.

s/ C. E. Vercelli, Jr.

Of Counsel

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